IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.55 OF 2007

Prakash Jagannath Suryawanshi ..Applicant.
Vs.
Kashinath Waman Suryawanshi & Ors. ..Respondents.

Mr.Vinod Jadhav, adv. for the Applicant.
Mr.D.T.Rananvare, adv. for the Respondents.

CORAM : J.H.BHATIA, J.
DATE : NOVEMBER 21, 2007.

P.C.:

1. Heard the learned counsel for the Parties.

2. Jagannath Suryawanshi, who is the respondent no.2 and who is father of the applicant, filed Special Civil Suit No.171 of 2001 in the Court of Civil Judge Senior Division, Satara for partition and for separate possession of certain properties. Some properties are situated in Satara district and some properties are situated in Taluka Malshiras, District Solapur. The defendant no.2 in that suit, namely Kashinath filed Regular Civil Suit No.495 of 2001 in the Court of Civil Judge Junior Division, Malshiras in Solapur district for partition and separate possession of same properties. This application is filed by the applicant, who is the defendant no.7 in Regular Civil Suit No.495 of 2001, seeking transfer of the said suit

to the Court of Civil Judge Senior Division, Satara because it will be convenient to the parties to attend the Court of Civil Judge Senior Division, Satara and further he contends that the properties have been undervalued in Regular Civil Suit No.495 of 2001 only to bring the same within the pecuniary jurisdiction of Civil Judge Junior Division. The application is opposed by the respondent nos.1, 3,4 and 6, who are the residents of Solapur district. Admittedly, the parties in both the suits are closely related. Some of them are real brothers.

3. It appears that almost equal number of parties are residing in Solapur as well as in Satara district. In view of the above circumstances, suits can not be tried separately by two different Courts. Taking into consideration the huge property involved in the matter consisting of not only agricultural lands but also house properties , it will be convenient if the matters are tried and decided by one Court and preferably by the Court of Civil Judge Senior Division, Satara. Some inconvenience is bound to be caused to either of the parties if this or that case is transferred from one Court to another. Special Civil Suit cannot be transferred to Civil Judge Junior Division. Therefore, taking into consideration the nature of the properties, I find that it will be in the interest of justice to

transfer Regular Civil Suit No.495 of 2001 from the Court of Civil Judge Junior Division, Malshiras to the Court of Civil Judge Senior Division, Satara before whom Special Civil Suit No.171 of 2001 is pending.

4. Therefore, application is allowed in terms of prayer clause (a).

[J.H.BHATIA, J.]